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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,462	02/10/2004	Patrick B. Usoro	GP-304042	1343

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EXAMINER

LEWIS, TISHA D

ART UNIT PAPER NUMBER

3681

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,462	Applicant(s) USORO ET AL.	
	Examiner TISHA D. LEWIS	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6 and 10-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The following is a response to the amendment received on November 14, 2005 which has been entered.

Response to Amendment

Claims 1-6 and 10-15 are pending in the application. Claims 7-9 have been cancelled.

-The double patenting rejection of claims 6, 7, 8, 14 and 15 has been withdrawn due to applicant amending claim 6 patentably distinguishable from claims 5, 6, 7, 13 and 14 of co-pending application 10/775,437.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaus ('925). Gaus discloses a transmission having an input shaft (3), an output shaft (12), a first (8, 18), second (11) and third (14) planetary gear sets having first, second and third coaxial members, the input shaft being continuously connected to a member (6) of the gear sets, the output shaft being continuously connected to a member (20-22) of the gear sets, a first continuous connection between the first member (15) of the first gear set and the first member (16) of the second gearset, a second continuous connection between the second member (20) of the first gear set and a first member

(22) of the third gear set, a third continuous connection between the second member (25) of the second gear set and a second member (26) of the third gear set and seven torque transmitting mechanisms (Figure 2) being engaged in combinations of two to establish at least eight forward speed ratios and one reverse.

A first torque mechanism (B2) interconnecting a member (15) of the first gear set with a stationary member.

A second torque mechanism (B1) interconnecting a member (25) of the second gear set with a stationary member.

A third torque mechanism (BN/R) interconnecting a member (29) of the third gear set with a stationary member.

The gear sets have single pinion carriers.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziemer ('980). Ziemer discloses a transmission having an input shaft (1), an output shaft (2), first (RS1), second (RSA) and third (RSB, RS4, RS3) planetary gear sets having first, second and third coaxial members, the input shaft being continuously connected to a member (11) of the gear sets, the output shaft being continuously connected to a member (35) of the gear sets, a first continuous connection between the first member (15) of the first gear set and the first member (25a) of the second gearset, a second continuous connection between the second member (13) of the first gear set

and a first member (21b) of the third gear set, a third continuous connection between the second member (23a) of the second gear set and a second member (23b) of the third gear set and seven torque transmitting mechanisms (A-G) being engaged in combinations of two to establish at least eight forward speed ratios and one reverse.

A second torque mechanism (C) interconnecting a member (43) of the second gear set with a stationary member.

A fourth torque mechanism (A) interconnecting a member (11) of the first gear set with a member (41) of the third gear set.

A fifth torque mechanism (B) interconnecting a member (21a) of the second gear set with a member (43) of the third gear set.

A sixth torque mechanism (D) interconnecting a member (23a) of the second gear set with a member (45) of the third gear set.

A seventh torque mechanism (E) interconnecting a member (11) of the first gear set with a member (45) of the third gear set.

The planet carriers are single and double carriers.

Allowable Subject Matter

Claims 1-5 are allowed.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. As to applicant's argument that one of ordinary skill in the art would not understand Gaus' first torque train and the forward gear train as a planetary gear set: If the claims don't exactly disclose what applicant perceives as allowable and prior art is discovered

that meets the limitations as set forth in the claims, than what applicant thinks one of ordinary skill in the art would or would not understand is moot. As such, applicant does not disclose in the claims that the gear sets have to be a specific type "single, simple, compound, etc., even if this is disclosed in the specification, the claims are read in light of the specification, but the specification is not read into the claims (MPEP, 2111, [R-1].

As to applicant's argument that the members of Gaus are not coaxial: As stated above, applicant hasn't disclosed exactly which members (ring, sun, carrier of the gear sets) are coaxial, therefore; Gaus does disclose the first, second and third members of the gear sets being coaxial.

As to applicant's argument that what the Examiner considers in the Ziemer reference to meet the claim limitations doesn't satisfy the requirements of claim 6: As stated above, applicant doesn't disclose exactly what each of the members being connected are (ring, sun, carrier, etc.).

As to applicant's argument that the Ziemer reference lacks a second interconnecting member continuously connecting a second member of the first gear set with a first member of the third gear set: The gears are only grounded at certain speed ratios, but still provide a continuous connection regardless of the grounding.

As to applicant's argument that the examiner may not choose selected members of the three separate planetary gear sets to satisfy requirements of claims 8 and 10-13: Since the claims are to be given the broadest possible interpretation (MPEP, 2111, [R-1], the examiner can choose selected members to satisfy the requirements if the claim

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(claims) doesn't disclose exactly what the gear set should or shouldn't have (as stated above).

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 872-9326 before final and 703-872-9327 after final**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (703) 000-0000) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
January 22, 2006


TISHA LEWIS
PRIMARY EXAMINER
Att 3681 1/22/06